

SECTION VIII - PLAN REQUIREMENTS

8.1 SUBDIVISION PLAN

8.1.1 Scope of Review

Every application for subdivision review must incorporate the entire parcel within the review. Not to do so may cause approval of a lot or situation which is not in conformance with the zoning ordinance and/or other applicable ordinances and regulations.

8.1.2 Professional Standards

Subdivision plans shall be prepared, stamped, and signed by a registered Professional Engineer and/or Licensed Land Surveyor licensed in New Hampshire. The requirement for a Professional Engineer shall apply to all plans showing roadways, utilities, bridges and culverts, plus drainage and other construction plans. In specific cases, the Board may waive the requirement for a Professional Engineer in accordance with Section X, Waivers.

8.1.3 Sheet Size

All plans shall be drawn in ink and be presented on sheet sizes that conform to the requirements of the Rockingham County Registry of Deeds. The Board requests only one sheet plan size be used for preparing all plans in a set.

8.1.4 Copies

A completed application shall contain ten (10) copies of the plans. However, only three (3) copies of the drainage report shall be required. The Planning Board may request additional plans when needed.

8.1.5 Specific Plan Information - Existing Site Conditions

In order for the Board to comprehensively evaluate a subdivision plan proposal, the applicant is required to show the following information as part of the subdivision plan, unless granted a waiver in accordance with Section X, Waivers. Other information may be reasonably required by the Board and shall be submitted. Such additional submittals may be required in cases where the submitted information fails to permit the Board to review the subdivision in light of the requirements of Sections 7 and 8 and the purposes of these regulations.

- A. Location of site, names, and addresses of current owners of record and current abutting land owners. A separate list of current names and addresses of abutters must also be provided.
- B. Proposed subdivision name. Name and address of person(s) or firm preparing the plan. Said plan must contain the date of preparation, title, north arrow, scale, legend and zoning district(s). Name and address of person(s) or firm preparing other data and information if different from the preparer of the map. Plans shall also contain a signature block for Board approval. (The format for this signature block is included in these regulations as an appendix.)
- C. Surveyed property lines including angles or bearings, distances, monument locations and size of the entire parcel. Said plan must be attested to and stamped by a Licensed Land Surveyor licensed in the State of New Hampshire, signature, seal, and license number shall be legible and included on the plan.
- D. Existing grades and topographic contours at intervals not exceeding two (2) feet with spot elevations where the grade is less than five percent (5%).
- E. The location of existing drainage systems, structures, and drainage easements, if any.
- F. The shape, size, height, location and use of all existing structures, including wells and septic systems, on the site and within 200 feet of the site.

- G. Natural features such as streams, marshes, lakes, ponds, rock outcrops, wooded areas, significant trees, ledge, and other significant environmental features, including wetland soils as defined under current Newton Wetlands Ordinance, wetlands may be identified by a NH certified soil scientist or NH certified wetland scientist.
- H. Man-made features such as, but not limited to, existing roads, stone walls, pedestrian ways, and other structures. The plan shall also indicate which structures are to be retained and which are to be removed or altered.
- I. The size and location of all existing public and private utilities, including off-site utilities to which connection is planned, and any underground storage tanks, abandoned or in use.
- J. A vicinity sketch showing the location of the site in relation to the surrounding public street system, to be shown within a distance of 1,000 feet.
- K. A High Intensity Soil Survey (HISS) of the entire site, or the portion as determined by the Board. Calculations shall be provided and shown on a sheet appropriate to the plan. Such soil survey shall be prepared and stamped by a certified soil scientist in accordance with the standards established by the Rockingham County Conservation District. Any cover letters or explanatory data provided by the certified soil scientist shall also be submitted. (Rev. 5/99)
- L. Location and description of all existing easements and/or rights of way, parks, reservations, conservation land, and holders of conservation easements.
- M. Tax map and parcel number.
- N. Each existing building or manmade structure, including stone fences, shall be shown on the plan and reviewed with the Board for historic significance. Such historic features may be destroyed or removed only with Board approval.
- O. Summary of Newton Zoning Ordinance requirements, including, but not limited to summary of lot size requirements, lot area, frontage, etc.

8.1.6 Specific Plan Information- Proposed Site Conditions

In order for the Board to comprehensively evaluate a subdivision plan proposal, the applicant is required to show the following information as part of the subdivision plan, unless granted a waiver in accordance with Section X, Waivers. Other information may be reasonably required by the Board and shall be submitted. Such additional submittals may be required in cases where the submitted information fails to permit the Board to review the subdivision in light of the requirements of Sections 7 and 8 and the purposes of these regulations.

- A. All drawings, unless otherwise agreed to by the Board, shall be at a scale of one hundred feet to the inch or less.
- B. Proposed grades and topographic contours at intervals not exceeding two (2) feet with spot elevations where grade is less than five percent (5%).
- C. The location for and pertinent data on at least two (2) test pits, 50 feet apart, and of at least one (1) percolation test to show that the regulations in Section 8.2.10,C have been met on each lot created by the subdivision. Information shall include at least the following: the location of the test pits, and outline of the four thousand (4,000) contiguous sq. ft. area reserved for leach field, percolation test data, the certification of the Town Agent witnessing the tests.
- D. Construction drawings and location, name, width, curbing and paving of proposed streets, drainage ways, and profiles and the elevations of sufficient points on the property to indicate the general topography of the property, driveways and sidewalks with indication of direction of travel for one-way streets. Including the radii of streets, driveways, access ways, and sidewalks within the site and its relationship to the off-site street system.

- E. Location and timing patterns of proposed traffic control devices, including painted road indicators, and all signage.
- F. Designs of any bridges or culverts that may be required.
- G. Where the plat submitted covers a part of the subdivider's entire holding, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the submitted part will be considered in the light of adjustments and connections with the street systems for the part not submitted.
- H. The location, size and layout of on and off-street parking, including loading zones. The plan shall indicate the calculations used to determine the number of parking spaces required and provided.
- I. The location and layout of proposed drainage systems and structures, including elevations for catch basins designed in accordance with these regulations.
- J. Note indicating that "all road and drainage work to conform to the standard specifications for construction in the State of New Hampshire".
- K. The size and location of all proposed public and private utilities, including but not limited to: water lines, sewage facilities, gas lines, power lines, telephone lines, fire hydrants and alarm connection, underground storage tanks, and other utilities.
- L. The location and type of street lighting, including the cone of illumination on the site.
- M. Location and description of proposed easement(s) and/or rights-of-way.
- N. The location and size of all proposed open space areas or parcels to be dedicated to public use and the conditions of such dedication and a copy of such private deed restrictions as are intended to cover part or all of the tract.
- O. Deeds or other proposed documents of conveyance of any land located within the subdivision proposed by the Subdivider for use for recreational or other Town purposes and Town ownership shall be part of the application. These proposed documents of conveyance shall be in a form satisfactory to Town Counsel. The fact that the Subdivider makes such offers and Town Counsel approves the form of the documents does not bind the Town or its agents to accepting the offer. The suitability of lands offered for recreational or conservation uses shall be determined by the Conservation Commission of the Town. A letter indicating the Commission's opinion shall accompany the application.
- P. The Board shall require the additional amenities of a recreation building, park, sidewalks, and off street over-flow parking to all subdivisions with more than 20 homes (including clusters).
- Q. The location of all monumentation that is to be installed in accordance with these regulations shall be shown on the plans. If the monumentation is changed in the field after construction supplemental information shall be filed with the Planning Board to be added to the file. Any change in the actual layout of the lots shall require Planning Board approval in accordance with these regulations.
- R. Any other information the Board may require in order to properly evaluate the proposed development including, but not limited to, the following:
 - 1. Calculations relating to stormwater runoff.
 - 2. Information on the composition and quantity of wastewater generated.
 - 3. Information on air, water, or land pollutants discharged.
 - 4. Estimates of traffic generation.

5. Grading, drainage and erosion and sediment control plan. (See 8.2.2 and Appendix A, for requirements for this submission).
6. Any other plan required under 8.2.
7. Copies of applications for all required state and federal permits. (Added 2008)

8.2 DESIGN STANDARDS AND ADDITIONAL PLANS, STUDIES, AND EXHIBITS

This section (8.2) includes design and construction standards for proposed developments within the Town of Newton. Each subsection addresses concerns regarding development on an issue by issue basis. Each issue is addressed in an integrated fashion. The discussions include: the considerations the Board will take under advisement when reviewing a proposal; design criteria; and the need for, and format of, any additional information that shall be submitted. These standards are considered the minimum standards and may be more stringent if needed to secure the protection of health, safety and general welfare of the citizens of the proposed development, the surrounding neighborhood, the Town of Newton, and the region.

These other plans, studies and/or exhibits may be required in an effort to determine the completeness of a subdivision application and its conformity to all applicable ordinances and regulations. The Board may also require the submission of plans, studies, and/or exhibits above and beyond those outlined in 8.1.4 through 8.1.6 as part of their consideration of a complete subdivision review. The cost of reviewing such plans and studies shall be paid by the applicant, in accordance with RSA 676:4, I(g) and Schedule of Fees, B, 4 of the Policies and Procedures Manual of these regulations.

8.2.1 General Standards for Requirement of Additional Information

- A. When the Board determines that the impact of the proposal is not adequately addressed by the minimum submission requirements of 8.1.4-6, or when the proposal may impact a sensitive or critical area (as defined in these regulations at Section 5 Definitions) the Board may require any of the plans, studies, or information exhibits, in this section. Such concerns the Board may consider include, but are not limited to, neighborhood density, environmental sensitivity, etc. Any doubt as to a particular impact shall be resolved in the determination that the impact requires additional information.
- B. These studies must assist the Board in making an informed decision that protects the health, safety and general welfare of the citizens of Newton and the region.
- C. The submission requirements in this section merely list minimum standards for the most often requested information. This section in no way limits the type of plan, study or exhibit, or the depth of such plan, study, or exhibit which may be required by the Board.
- D. All additional submissions shall be presented under the seal or attestation of a professional normally employed for the presentation of such information.

8.2.2 Grading, Erosion and Sediment Control and Plan

The importance of natural drainage patterns is recognized in these regulations. Increases in off-site drainage may cause flood damage, and detrimental impact to environmentally sensitive areas, decreases in off-site drainage may cause detrimental impacts to on and off-site water dependant habitat, and destruction of wetlands. Sedimentation and erosion can also impact environmentally sensitive regions and habitats, and cause property damage for neighboring property owners.

Developments shall not increase, decrease, modify, or alter the normal patterns of off-site drainage, or increase the erosion or sedimentation caused during the development of the site and/or by the eventual development itself. The applicant shall provide for and maintain methods that eliminate any detrimental downstream effect to other property. Developments shall not increase the amount of erosion and sediment in surface waters. For significant or complex developments the Board shall require a plan to address these issues. Realizing that the methods to construct and calculate these facilities and address these impacts are not an exact science, the Board may accept final calculations that have been approved by the Town Engineer.

The applicant shall submit such plans to the Board for any tract of land being developed where one or more of the following conditions are proposed or present:

- A. A cumulative disturbed surface area exceeding 20,000 square feet.
- B. Construction of a street, road, or driveway.
- C. Disturbed environmentally sensitive areas.
- D. Disturbed critical areas.
- E. Standard agricultural and timber harvesting practices are exempt from this regulation.

The Board may waive the requirement for all or part of a grading, erosion and sediment control plan if it determines that a plan is unnecessary because of the size, character, and/or natural condition of a site. All requests for waivers and action thereon shall be made in writing, in accordance with Section X, Waivers.

Description of the design standards, plan requirements, and other relevant criteria can be found in Appendix A, of these regulations. The design standards shall apply to all development projects, regardless of size and/or scope.

8.2.3 Stormwater Management & Plan

Developments shall not increase, decrease, modify, or alter the normal patterns of stormwater drainage caused during the development of the site and/or by the eventual development itself. The applicant shall provide for and maintain methods that eliminate any detrimental downstream effect to other property. For significant or complex developments the Board shall require a plan to address these issues.

- A. The applicant shall submit a Stormwater Management Plan to the Board for any tract of land being developed where one or more of the following conditions are proposed or present:
 - 1. A cumulative disturbed area exceeding 20,000 square feet.
 - 2. Construction of a street, road, or driveway.
 - 3. Disturbed environmentally sensitive areas.
 - 4. Disturbed critical areas.
 - 5. Standard agricultural and timber harvesting practices are exempt from this regulation.

The Board may waive the requirement for all or part of a Stormwater Management Plan if it determines that a plan is unnecessary because of the size, character, and/or natural condition of a site. All requests for waivers and action thereon shall be made in writing, in accordance with Section X, Waivers.

- B. Where it is determined that the additional runoff incidental to the development will overload or significantly increase an existing downstream drainage facility, the Board may require the provision of drainage easements or other improvements (i.e., retention/detention ponds and/or facilities) necessary to alleviate such problems. All required drainage improvements and/or facilities shall be designed to accommodate a 25-year storm event. Drainage calculations shall be prepared in conformance with the guidance document, Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas of New Hampshire, prepared by the USDA Soil Conservation Service, as amended. Any off-site improvement necessitated by the development will have to be secured and completed prior to the construction of the development.

- C. Description of the design standards, plan requirements, and other relevant criteria can be found in Appendix A, of these regulations. The design standards shall apply to all development projects, regardless of size and/or scope.

8.2.4 Driveway, Access, Road Design and Traffic Standards and Analysis

Traffic access to the site from town streets shall ensure the safety of vehicles and pedestrians. These regulations are adopted in accordance with RSA 236:13, having received authorization to review subdivisions under RSA 674:35. Furthermore, these regulations are adopted in accordance with RSA 674:36 as they relate to not only to safety of driveway and access but to the harmonious development of the municipality and its environs specifically with respect to access onto town designated scenic roads. The design and construction standards for driveways and points of access are as follows:

A. Driveways and Access Points

The Board shall approve the design for a proposed access/egress point onto the public way. Said point shall provide an adequate sight distance, grade, width and curb. Sight distance and other specifications shall be determined in accordance with the more restrictive of the current NH DOT standards as found in Tra 302 Driveway Permits, as amended, or under the following requirements.

1. Access to Town Roads

- (a) Driveway entrances onto town roads, with speed limits of 30 mph or less, shall have an all season safe sight distance of 250' in each direction.
- (b) Driveway entrances onto town roads, with speed limits greater than 30 mph, shall have an all season safe sight distance of 300' in each direction.
- (c) Entrance roads to subdivisions onto town roads, regardless of speed limit, shall have an all season safe sight distance of 400' in each direction.
- (d) Any driveway constructed, in Newton, shall have a -3% grade for the first 6 feet and no gradient shall exceed 10% negative or positive.
- (e) All Roads constructed, in Newton, shall have a 2 ½ inch Binder and a 1 ½ inch wear coat for a total of 4 inches compacted.

2. Number of Access Points to Roads

In all cases, the number of access points to a given street shall be held to a minimum, preferably one point of access in order to reduce traffic hazards from turning movements and to ease the installation of traffic control devices, when necessary.

- (a) Two driveways or accesses for one lot shall be allowed only when a lot has a frontage of 300 feet or more.
- (b) Driveways or accesses shall be located at least 100 feet from street intersections and major driveway entrances, where possible.
- (c) Each lot shall be served by its own driveway, which shall be located entirely within the frontage of the lot and shall not encroach on abutting properties. (Amended 2007)
- (d) Driveways shall not be constructed within building setbacks (unless constructed in accordance with (c), above), or within wetland setbacks.
- (e) Where an applicant requests a waiver from (c) to have more than one (1) house served by a common driveway, the following requirements shall apply. (Amended 2007)

- (i) As part of any waiver request, the applicant shall present language that releases the town from any liability for failure to access any site served by the common driveway with safety vehicles and equipment due to substandard construction, lack of maintenance, negligence on the part of any land owner served by the common driveway, and failure to maintain all season passability. Such language shall be placed on the recorded Mylar.
- (ii) Where a common driveway serves four or more houses the roadway shall be built to town specifications, except that the Planning Board may consider a minor reduction in width requirements, not to exceed 20%.
- (iii) To the maximum extent possible, the shared portion of the drive shall follow the shared lot line. (Added 2007)

3. Related Improvements

- (a) The Board may require improvement of existing access/egress point(s) in order to provide safe traffic flow onto abutting streets, should increased traffic be generated by the proposed development.
- (b) Off-site improvements may be required, such as increasing pavement width or adding deceleration lanes, curbing and signaling devices, in order to mitigate hazardous impacts that are generated by the particular needs and impacts of the site.
- (c) Grades shall be constructed downward from the highway surface at a grade of not more than -3 percent, for at least one car length of 6 meters, or 20 feet or to the existing ditch line, and shall slope up or down not more than 3 percent a further distance sufficient to accommodate expected vehicle storage. The grade shall not be more than 3 percent up or down beyond the curb line a distance sufficient to accommodate expected vehicle storage. The slope of the highway cross-section shall also be taken into account and highway drainage shall not be impeded. In the driveway beyond the approach area referred to above, the maximum grade of any driveway for an entrance shall be 8 percent. The algebraic difference between any 2 adjacent grades in a driveway shall not exceed 10 percent. Slopes on either side of a driveway shall be gradual enough to minimize the hazard to a vehicle leaving the state maintained highway for any reason.

4. Safety Requirements

- (a) Traffic circulation, pedestrian access, parking and any loading facilities, and emergency access shall be designed and located in a manner which ensures maximum safety in the subdivision.
- (b) Driveways shall be located in such a manner as to promote all season safe access and to prevent unreasonable negative impacts to the owners or occupants of neighboring parcels.

5. Private Roads

Private streets serving developments shall remain in private ownership and the developer shall provide legal instruments to insure their continued maintenance and ownership. All private roads shall comply with these and other town regulations relating to construction and maintenance.

6. Access to State Highways

Driveways and access onto State highways shall be designed in accordance with the NH Department of Transportation's Administrative Rules Tra 302, as amended, and receive approval thereunder prior to final town approval of the subdivision plan.

B. Scenic Roadway Driveway Permits

No driveway shall be permitted on a scenic road designated in accordance with RSA 231:157 unless permitted in accordance with these regulations.

1. Driveways on scenic roads shall meet or exceed all requirements of 8.2.4.
2. Plans for driveway location within the town right-of-way, including stone walls to be relocated or removed, and trees to be removed, must be submitted to the Conservation Commission for review prior to Final Subdivision approval. The Conservation Commission may submit comments to the Board regarding siting, mitigation efforts such as those required by subsection (3) below. These comments shall be incorporated into the decision of the Planning Board, unless specifically rejected by majority vote.
3. To the maximum extent possible significant trees and stone walls in the town right-of-way must be maintained. Where the driveway crosses any existing stone wall, the stones must be used to upgrade the existing wall where possible, under the direction and by approval of the Conservation Commission.
4. Nothing in this section shall limit or affect the rights of any landowner with respect to work on his/her own property.

C. Road Design Standards and Criteria.

All newly proposed roadways and modifications to existing roadways shall be built in accordance with the requirements as found in Appendix B - Road Design Standards and Criteria of these regulations, as amended from time to time. The requirements of Appendix B are incorporated herein by reference in their entirety and may be waived in accordance with these regulations.

D. Traffic Analysis.

All proposed developments shall be reviewed by the Board to ascertain that adequate provisions have been made by the owner of his/her agent for traffic safety. To facilitate this review, the applicant may be required to provide a traffic impact analysis when deemed necessary by the Board due to the size, location, or any other traffic generating characteristics of the development. Description of the design standards, plan requirements, and other relevant criteria can be found in Appendix A, of these regulations.

8.2.5 Sidewalks and Bikeways

Sidewalks and/or bikeways, where appropriate, shall be provided for pedestrian traffic to provide connection between the subdivision and nearby destinations. Sidewalks shall be at least six (6) inches above grade and shall be protected by curbing. Sidewalk designs shall include means for handicapped access. The Board shall consider the following when determining the appropriateness of sidewalks:

- A. Proximity to schools.
- B. Whether recreational facilities and land is available within the subdivision.
- C. Proximity to commercial destinations, including but not limited to, restaurants, stores, shops, etc.
- D. Proximity to other pedestrian or bikeways, including abandoned ways or sidewalks.

8.2.6 Landscaping Design and Plan

The Town of Newton requires attention to landscaping design in order to protect and preserve the appearance, character, and value of the surrounding neighborhoods by providing a better transition; by improving the compatibility between various land uses in the Town; and by buffering neighboring properties and areas from any adverse effects of site development.

These regulations shall mitigate the appearance and detrimental impact of non-residential uses. Any application of these regulations shall protect the value and provide for quiet enjoyment and nuisance-free use of neighboring properties.

- A. To the extent feasible, naturally landscaped buffer strips of 25 feet must be preserved where a proposed residential development abuts non-residential zones or uses. This buffer shall adequately shield the residential properties from the adverse effects of the non-residential use. No roads shall be located within any part of this buffer zone.

Where appropriate, existing trees and vegetation must be incorporated into the buffer strips or landscaping design. Buffer strips must contain vegetation which will screen the view from adjacent residential property during all seasons; this screening must exclude visual contact between uses and create a strong impression of the separation of spaces. Fencing alone may be considered an acceptable method of screening only if granted a waiver in accordance with Section X, Waivers.

- B. Where appropriate or required, subdivisions shall be planned to provide that natural vegetation be retained as a buffer along environmentally sensitive areas such as watercourses, wetlands, and standing waters, in accordance with sound environmental practices, as described by the Department of Environmental Services. Appropriate landscaping along designated Scenic Roadways is strongly encouraged and any tree removal shall only be permitted in accordance with state and local Scenic Roadway provisions.
- C. Pre-existing or non-conforming lots which are the subject of subdivision shall not be subject to the landscaping recommendations or requirements described above.

8.2.7 Protection of Natural and Historic Features

- A. Each significant natural feature within the site including large or unusual trees, watercourses, natural stone outcroppings, and other scenic features shall be shown on the plan. It is recommended that such significant features be preserved in the development of the site.
- B. Each existing building or manmade structure, including stone fences, shall be shown on the plan and reviewed with the Planning Board for historic significance. Such features will not be destroyed or removed without Planning Board approval.
- C. Where subdivisions impact or access via designated Scenic Roads, mitigative measures shall be taken to preserve the scenic quality of such roads. These measures may balance the needs and requirements for safety and health, but should only minimally consider economic expediency.

8.2.8 Bridges

Bridges must be built according to the N.H. Department of Transportation manual, Standard Specifications for Road and Bridge Construction dated 1990 and as amended. All bridge plans must be approved by the State Engineers prior to construction.

8.2.9 Fire Protection

Fire hydrants, fire ponds, and other improvements reasonably required for fire safety shall be provided as specified by the Newton fire department and approved by the Planning Board. These items shall be shown on the site plan and installed by the applicant.

The Planning Board in its discretion may require the applicant to consult with the Newton Fire Department to determine what, if any, appropriate fire protection measures are reasonably necessary. The applicant shall provide the Planning Board with the results of such consultation in the form of a letter or representations of facilities on the plan. The Planning Board may require additional fire

protection measures in addition to the Newton Fire Departments recommendation if reasonably necessary.

8.2.10 Water, Wells, On-site Sewage, and Hydrogeological Studies

A. Water

1. On-site water supply: the provision of an on-site water supply shall conform to criteria of the Water Supply and Pollution Control Division of the N.H. Department of Environmental Services. It shall be the responsibility of the applicant to provide sufficient and complete information to prove that the site is able to permit the installation and operation of both individual on-site water supply and sewage disposal systems.
2. A hydrogeologic study, as described in Appendix A, shall be required for any well with a withdrawal of over 20,000 gallons per day.

B. Well Radius Placement

1. Each newly created lot shall show the entire well radius protection area as required by the State Department of Environmental Services rules.
2. The entire required well radius shall be located within the boundaries of each newly created lot.
3. Well radius easements covering neighboring parcels are not permitted in new subdivisions. This insures:
 - (a) Protection of health and safety for individual on-site water resources from adverse impacts of land uses on adjacent and neighboring parcels.
 - (b) Allows for maximum flexibility in the placement of septic systems and other land uses on neighboring parcels of land.
 - (c) Promotes the wise and free use of property unencumbered by easements.

C. Sewage

1. No subdivision plan shall be approved where the site does not meet the minimum standards imposed by the Water Supply and Pollution Control Division of the N.H. Department of Environmental Services and the design standards for sewage systems in Appendix A.
2. Each site or lot proposed for residential development shall have at least two test pits, separated by at least fifty (50) feet. The test pits shall establish the existence of a contiguous area of 4,000 square feet, or larger per Env-Ws 1014.01 et seq., suitable as a receiving layer for a leaching system. At least one test pit and percolation test area must be located within this area. This area shall be shown on the plan. The Board requires that all test pits be verified by its designated agent. The entire 4,000 square foot area must meet or exceed all applicable regulations, local, state or federal, for the installation of a septic system. That is, no portion of the contiguous area must be unavailable for the installation of a septic system for any reason.
3. A hydrogeologic study, as described at Appendix A, shall be required for a development where a septic system is being designed to accommodate 2,500 gallons per day, or more.

8.2.11 Utilities

- A. The applicant proposing a residential development shall insure the installation of all electric, telephone, and other utility distribution lines per specifications of the public utility

companies involved, and easements required for transformer units shall be provided by the developer.

- B. The Planning Board may, in its discretion, reasonably require underground utilities.

8.2.12 Easements

- A. All easements dedicating rights to the Town of Newton are subject to review and approval by the Board and Town Counsel, and any other Town agent or body which the Board and/or Counsel deem necessary.
 - 1. Where the topography is such as to make difficult the inclusion of any utilities or other facilities within the road rights-of-way, the subdivision plan shall show the boundaries of the proposed permanent easements over or under private property. Such easements shall not be less than twenty five (25) feet in width and shall have satisfactory access to existing or proposed rights-of-way.
 - 2. Where a proposed residential development is traversed by a watercourse or drainage way, the Board may require a stormwater easement or drainage right-of-way of at least twenty five (25) feet in width.

8.2.13 Open Space Requirements

In accordance with RSA 674:36, II, a subdivision of land shall show open spaces of adequate proportions. Plats submitted to the Planning Board for approval which show new streets or narrowing or widening of such streets shall show a park or parks suitably located for playground or other recreational purposes that are reasonably sized for neighborhood use.

- A. Natural Features. The subdivision and development shall, whenever possible, preserve in their natural condition important natural features. The Planning Board may request an advisory opinion from the Conservation Commission in the determination of the value of natural features and the boundaries of such natural systems. Such areas include watercourses, wetland areas, steep slopes, large or unique trees, groves, or special habitats. Natural features that provide buffers between lots, or sections, of a subdivision should be preserved to enhance privacy and aesthetic value.
- B. Buffer Strips. The Planning Board may require the designation of buffer strips of at least fifty feet width around surface water, wetlands, or other natural features which may be adversely affected by erosion or stormwater runoff. The Board may require a vegetative buffer to provide screening where non-residential developments abut a residential zone.
- C. Parks. The Board may require the dedication or reservation of such open space within the subdivision for park, playground or other recreational or open space purposes, for the residents of the subdivision.

The Board shall also require of the developer that he/she supply and plant such trees and shrubbery as are deemed compatible to the environmental design of the neighborhood. It shall also be stipulated by covenant upon the plan that such open spaces shall not contain signs other than street directional or place-name signs. Upon approval of the final plans and plantings, if the park is dedicated for public use, the maintenance of said landscaped areas shall be the responsibility of the community. If the park is solely for subdivision use, the maintenance of said landscaped areas shall be the responsibility of the residents of the subdivision.

- D. Tree Planting. The planting of shade trees within all subdivision layouts where residential, commercial, or industrial development is to take place may be required of the developer who shall supply planting plans to the Board. The planting plans of shade trees within proposed or accepted rights-of-way must be submitted to the Conservation Commission and receive its approval before planting.

- E. Alternative Funding. A developer may opt to contribute funds to the Town of Newton for the purpose of developing recreational opportunities for and related to the need of the residents of the proposed subdivision. The analysis for determining the impact and required amount of funds to offset that impact shall be in accordance with Section 8.4 Off-Site Improvements.

8.2.14 Monumentation Requirements

Concrete or granite monuments shall be placed at all street intersections, points of radius of curvature, and every 1000 feet in a straight-line right-of-way. Concrete or granite monuments shall be used at property corners. Iron pins shall be set at every angle in a property line not a corner. All plans are required to provide the total boundary footage in addition to the measurement points and note that bounds need to be four feet in length with four inches above grade. (Revised 4/2005)

As part of the subdivision plan a permanent reinforced concrete marker may be required by the Planning Board. If so required, it shall be placed at the edge of each road boundary at their terminus of the subdivision as reference for all locations and elevations and every twenty-five hundred (2,500) feet within the subdivision or at other locations specified by the Town.

8.2.15 Other State, Federal, and Local Requirements

The following State permits may be required as applicable:

- A. N.H. Water Supply & Pollution Control Division septic system design approval.
- B. N.H. Wetlands Board "Dredge & Fill" permit.
- C. N.H. Department of Transportation driveway access permit.
- D. N.H. Water Supply & Pollution Control Division WS411 permit for underground storage tanks as regulated by RSA 146-C.
- E. N.H. Department of Environmental Services Site Specific permit.
- F. Any other State or Federal permits required.

Where the application requires State or Federal permits, the applicant shall provide copies, to the Planning Board, of all correspondence between the applicant and the agency from which the permit is sought. (Rev. 5/99)

8.3 **LOT SHAPE AND SIZE REGULATIONS**

These regulations are adopted to assure conformance with the requirements and intents and purposes of the Zoning Ordinance. These regulations affect lot shape and size within a proposed subdivision to the extent they create conditions specific to the subdivision that assure safe, convenient, and prosperous developments for the current owner and all subsequent residents, the provision of adequate access for safety vehicles, additional areas for each lot necessary to accommodate on-site septic facilities, provide for clarity of ownership, and to prevent the occurrence of zoning violations caused by poorly designed lot shapes.

These regulations carry out the intent of the zoning ordinance and provide clarity and flexibility in the administration of the requirements of the zoning ordinance where questions are left unresolved. They are not meant to supplant the zoning ordinance and may be waived in accordance with Section X, Waivers.

8.3.1 Intent and Purposes for Lot Shape and Size Regulations

The intent of these regulations is to enhance and insure consistency with the Newton Zoning Ordinance. Including lot size, frontage, and the recent amendment requiring a 125 foot width.

The following purposes are

- A. Lots shall be shaped in a manner that promotes clarity of ownership, access across fee-title land rather than easement interests which may promote destructive property disputes, and to promote the convenient and harmonious development of the land.
- B. The layout of lots which violate these purposes is not permitted.
- C. The close proximity of narrow portions of lots that will create a situation that reduces privacy and increases congestion and overcrowding of the land are not permitted.
- D. The close proximity of house sites tend to create conflicts among the use of the land, including maintenance disputes, use disputes, and property ownership disputes between landowners and is not permitted.
- E. Confusedly shaped lot cannot reasonably be interpreted to be an orderly layout of the land or insure that proper description of ownership or ease of identification will carry forward in time are not permitted.

8.3.2 Lot Shape

- A. Lots shall be shaped in a manner that promotes clarity of ownership
- B. No portion of a lot between the dwelling unit site and the street upon which the lot has frontage shall be less than 100' in width.
- C. To the maximum extent possible all new lots shall be rectangular in nature.
- D. No portion of a lot created under these regulations shall be less than 75' in width.

8.3.3 Minimum Lot Sizes

In the absence of municipal water or sewerage facilities, minimum lot sizes within all subdivisions shall, in addition to meeting the requirements of the Zoning Ordinance for the district wherein the subdivision is proposed, also meet the lot size requirements specified in Table 8.3.6, "Minimum Lot Size by Soil Classification." Any lot that is required to be oversized, by a decision of the Board, due to geological aspects, including but not limited to wetlands or other geographic irregularities, as proposed on a plan set will have a notation added as well as to the deed.

This requirement is subject to the following qualifications:

- A. Where more than one soil type is found on a lot, a soil carrying capacity of those soils occurring on the lot shall be used to determine the minimum lot size.
- B. Wetlands may be used as part of the computed lot size according to the following:
 - 1. Areas designated as poorly drained soils (type B hydric) may be utilized to fulfill the Town's minimum lot size requirement provided that a contiguous non-wetland area of at least 30,000 square feet is provided for each building lot. All upland square footage counted towards the total required minimum must be contiguous and not separated by wetlands or geographic irregularities. This contiguous non-wetland area must be sufficient in size and configuration to adequately accommodate all housing

and required utilities such as sewage disposal, water supply, and all applicable setbacks. Sufficient configuration means that the upland portion of the lot must be shaped to reasonably accommodate the contemplated facilities; that is, no narrow or oddly shaped portions that prohibit use by overlapping setback requirements, or by the narrowness itself.

2. Areas designated as very poorly drained, freshwater marsh, or alluvial soils may not be utilized to fulfill the minimum lot size.
3. No septic system, leach field or other waste disposal facility shall be installed within seventy five (75) feet of the edge of any poorly drained soil (type B hydric) or any very poorly drained soil (type A hydric) or one hundred (100) feet of open water.
4. There shall be no filling of wetlands for the purpose of providing the minimum distance between the wetlands and sewage disposal systems.

C To permit some flexibility for alternative development and housing opportunities, the Town of Newton enacts these regulations to balance this opportunity with high standards of water resource protection. Minimum lot sizes for residential developments with greater than four (4) bedrooms per unit and for commercial and industrial developments shall be determined as follows:

1. For multi-family residential use, the minimum lot size shall be proportionately smaller than the lot size indicated in Table 8.3.6 as determined by the following formulas:

Number of 1 and/or 2 bedroom units = Area of each soil type on the lot divided by (lot size from Table 8.3.6 x .80).

Number of 3 bedroom units = Area of each soil type on the lot divided by (lot size from Table 8.3.6 x .95).

2. For duplex use, where the total number of bedrooms in the building shall not exceed 4, the lot size shall be increased by 75% of the minimum lot size as determined by Table 8.3.6.
3. For commercial and industrial uses with residential-type waste, the lot sizes will be determined by the formula:

$$\text{Lot Size} = \frac{Q \text{ (gpd)}}{200 \text{ gpd}} \times \text{Lot Size from Table 8.3.6.}$$

(sq. ft.)

where: Q = gallons of wastewater to be discharged per day. The amount of flow will be determined by use of Env-Ws 1008.02 Average Daily Flow Volume.

4. Final site plan approval for commercial/industrial developments which generate wastes of such nature and character as to require state or federal permits for pre-treatment and discharge or sub- surface disposal shall not be granted until all such permits are secured provided, however that conditional approval may be granted per RSA 676:4, I (i). The conditions upon which such permits are issued shall comply with state and local regulations and be made part of the record before the Planning Board.
5. Any lot that is required to be oversized, by a decision of the Board, due to geological aspects, including but not limited to wetlands or other

geographic irregularities, as proposed on a plan set will have a notation added as well as to the deed.

8.3.4 Determination of Soil Type

- A. Tests for determining soils information for use in this Section shall be performed by a qualified soil scientist using on-site inspections. A report and plan shall be prepared by the qualified soil scientist and filed with the Planning Board.
- B. Soil data using the standards of High Intensity Soil Maps of New Hampshire shall be provided as part of the subdivision plan at the scale and dimensions required. Any cover letters or explanatory data provided by the qualified soil scientist shall also be submitted.
- C. Such tests shall be performed with the advice and under the direction of the Planning Board or its designated agent.
- D. All costs of performing such investigations shall be borne by the subdivider.

8.3.5 Relationship Between State and Local Regulations

Where both State and local regulations are applicable, the more stringent regulation shall apply. If the State regulation addresses an issue not included in the local regulation or if the local regulation addresses an issue not included in the State regulation, that regulation shall automatically apply.

8.3.6 Table of Minimum Lot Size by Soil Classification

Soil Type	Slope			
	B	C	D	E
111-H	35500	42000	51500	68000
112-H	35500	42000	51500	68000
11X-H	68000	76000	86000	100000
121-H	35500	42000	51500	68000
122-H	35500	42000	51500	68000
12X-H	68000	76000	86000	100000
161-H	35500	42000	51500	68000
16X-H	68000	76000	86000	100000
211-H	35500	42000	51500	68000
212-H	35500	42000	51500	68000
213-H	68000	76000	86000	100000
21X-H	68000	76000	86000	100000
221-H	44500	56000	68000	86000
222-H	44500	56000	68000	86000
223-H	68000	76000	86000	100000
22X-H	68000	76000	86000	100000
231-H	44500	56000	68000	86000
233-H	68000	76000	86000	100000
23X-H	68000	76000	86000	100000
241-H	68000	76000	86000	100000
243-H	68000	76000	86000	100000
24X-H	68000	76000	86000	100000
251-H	68000	76000	86000	100000
253-H	68000	76000	86000	100000
25X-H	68000	76000	86000	100000
261-H	44500	56000	68000	86000
263-H	68000	76000	86000	100000
26X-H	68000	76000	86000	100000
275-H	44500	56000		
311-H	44500	56000	68000	86000
312-H	44500	56000	68000	86000
313-H	68000	76000	86000	100000
31X-H	68000	76000	86000	100000
321-H	44500	56000	68000	86000
322-H	44500	56000	68000	86000
323-H	68000	76000	86000	100000
325-H	68000	76000		
32X-H	68000	76000	86000	100000
331-H	44500	56000	68000	86000
333-H	68000	76000	86000	100000
33X-H	68000	76000	86000	100000
341-H	68000	76000	86000	100000
343-H	68000	76000	86000	100000
34X-H	68000	76000	86000	100000
351-H	68000	76000	86000	100000
353-H	68000	76000	86000	100000
35X-H	68000	76000	86000	100000

Soil Type	Slope			
	B	C	D	E
361-H	44500	56000	68000	86000
363-H	68000	76000	86000	100000
36X-H	68000	76000	86000	100000
375-H	44500	56000		
411-H	44500	56000	68000	
412-H	44500	56000		
413-H	68000	76000		
41X-H	68000	76000		
421-H	68000	76000	86000	
422-H	68000	76000	86000	
423-H	68000	76000	86000	
42X-H	68000	76000	86000	
431-H	68000	76000		
433-H	68000	76000		
43X-H	68000	76000		
441-H	68000	76000		
443-H	68000	76000		
44X-H	68000	76000		
451-H	68000	76000		
453-H	68000	76000		
45X-H	68000	76000		
461-H	68000	76000		
463-H	68000	76000		
46X-H	68000	76000		
475-H	68000			
511-H	44500	56000	68000	
512-H	44500	56000		
513-H	68000	76000		
51X-H	68000	76000		
521-H	68000	76000	86000	
522-H	68000	76000	86000	
523-H	68000	76000	86000	
52X-H	68000	76000	86000	
531-H	68000	76000		
533-H	68000	76000		
53X-H	68000	76000		
541-H	68000	76000		
543-H	68000	76000		
54X-H	68000	76000		
551-H	68000	76000		
553-H	68000	76000		
55X-H	68000	76000		
561-H	68000	76000		
563-H	68000	76000		
56X-H	68000	76000		
575-H	68000			

The soil types listed below have one or more limiting characteristics that make the soil type "NA" or require on-site investigation, no matter what other characteristics of the soil may be present.

<u>Soil Type</u>	<u>Minimum Lot Size</u>
6***H	NA, very poorly drained soil, Type A hydric
*66*H	NA, fill does not meet the Standards for Fill Material (see Key to Soil Types)
76**H	On-site evaluation needed

The Soil Type symbols are explained in High Intensity Soils Maps for New Hampshire, Standards and Origins. SSSNNE Special Publication No. 1.

"NA" means not allowed.

"*" means any slope or any number.

8.4 OFF-SITE IMPROVEMENTS

Pursuant to RSA 674:36, the Board may require special improvements on or off-site which it deems reasonably necessary or desirable for the conditions or circumstances relative to the particular subdivision plan review. Any such special requirements shall be stated in writing in the minutes of the Board with the reasons therefor. The Board may require, either that the applicant construct the improvements in whole or in part, or reimburse the municipality or any other party who, at the direction of the municipality, undertakes such improvements. The applicant's responsibility for such improvements is limited to that portion of the cost of the improvements which bears a rational nexus to the needs created by, and special benefits conferred upon, the site, taking into consideration the municipality's ability to pay for such improvements.

8.5 FINAL APPROVAL

8.5.1 Items Required for Final Approval

The Board will not give final approval to a site plan review application until the following items, if applicable, have been submitted and reviewed by the Board or its designated agent.

- A. Draft language of any protective covenants where the applicant proposes to regulate land use within the development or otherwise protect the proposed development.
- B. Warranty deeds conveying to the Town any streets, right-of-way, and sites dedicated for private use. Such conveyances shall be in fee simple form, free from all encumbrances. These documents shall be reviewed by Town Counsel prior to approval of the plan. These conveyances may need the town legislative body approval.
- C. As a condition of the Board's approval, the applicant shall execute an agreement which specifies the terms and understandings between the parties with respect to the terms of approval.
- D. For subdivision proposals which involve the construction of a roadway, monumentation shall be installed as part of the construction of the roadway. (See 8.2.14.)
- E. Establishment of monetary value of required performance guarantee and inspection fee. These guarantees shall be subject to Town Counsel review as provided in Section IX, Performance and Maintenance Guarantee. Monetary values shall be subject to an inflationary increase at the time of posting. (Amended 2008)
- F. Payment in full of all administrative, engineering review, recording fee and public notice fees.

G. Any required federal, state, or local approvals or permits.